

NOT FOR PUBLICATION

SEP 15 2006

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEBASTIAN CASTRO-LARA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-73333

Agency No. A94-188-919

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Sebastian Castro-Lara, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' affirmance of an Immigration Judge's ("IJ") denial of his applications for asylum, withholding of removal, and

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** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

relief under the Convention Against Torture (“CAT”). We review the IJ’s decision for substantial evidence. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992). We deny the petition for review.

Substantial evidence supports the IJ’s decision that petitioner failed to establish past persecution or a well-founded fear of future persecution based on an enumerated ground. Because petitioner’s claim is based on his friend assaulting him, and there is no evidence that the assault occurred based on an enumerated ground, petitioner fails to establish eligibility for asylum. *See id.* at 481-84.

Petitioner failed to raise his withholding of removal and CAT claims in his opening brief, and therefore waived these claims. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.